

### **REMARKS**

Claims 1-5, 7, 8, 11-14, 33 and 35-41 are pending in this application. By this amendment, the specification and Claims 1 and 38 have been amended as will be discussed in further detail below. This amendment does not include any new matter. In view of the amendments above and the remarks to follow, reconsideration and allowance of this application are respectfully requested.

As discussed above, the second paragraph on page 21 of the specification has been amended to include the sentence "As shown in FIG. 20, linear bearing 638' defines a throughbore (no number) having an internal diameter that is substantially equal to the external diameter of needle 746." Clear support for this amendment can be found in at least FIGS. 20 and 22.

In the Office Action, Claims 1-3, 5, 7, 38 and 41 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 6,824,530 to Wagner et al. ("Wagner"). Wagner discloses a needle assembly and needle safety guard shown in FIGS. 14 and 16 reproduced below, having a body 12, a needle 16, foldable legs 46, a cylindrical shield 54 and a flat plate 56. Foldable legs 46 each include an upper portion 48 and a lower portion 50. In use, when the apparatus is withdrawn from a patient's skin in the direction C (FIG. 16), legs 46 unfold as plate 56 is retained in place in contact with skin surface 32 of a patient. Shield 56 slides along the length of needle 16 and into position to protect a healthcare provider from the sharp distal portion of the needle.

FIG. 14

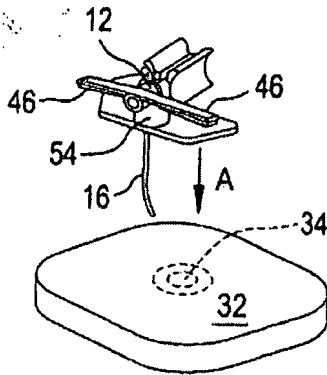
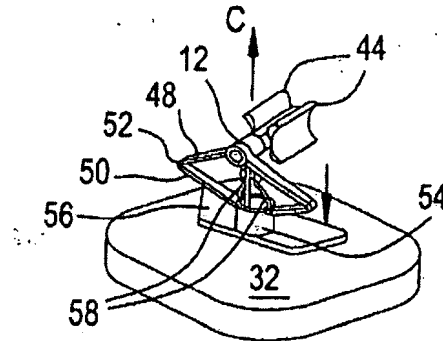


FIG. 16



Independent Claims 1 and 38 have been amended to recite “the needle linear bearing defining a throughbore having an internal diameter which is substantially equal to an external diameter of the needle.” Applicants respectfully submit that Wagner fails to disclose this feature. More specifically, Wagner’s cylindrical shield 54, which the Examiner refers to as the linear bearing, has an internal diameter which appears to be many times larger than the external diameter of Wagner’s needle. Thus, in contrast to the linear bearing of the safety shield apparatus recited in Claims 1 and 38, Wagner’s cylindrical shield provides a very limited bearing effect for needle 16. For this reason, Applicants believe that Claims 1 and 38 patentably define over Wagner and are in condition for allowance.

Claims 2, 3, 5 and 7 depend from Claim 1 and Claim 41 depends from Claim 38. For at least the reason discussed above with respect to Claims 1 and 38, *inter alia*, Applicants believe that Claims 2, 3, 5, 7, and 41 are patentable over Wagner and are in condition for allowance.

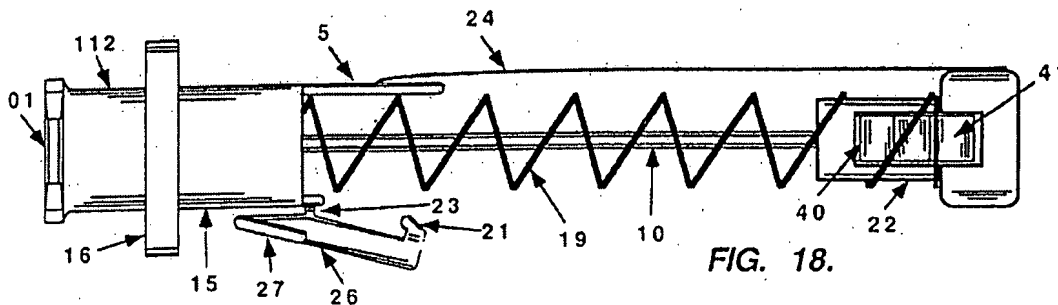
In the Office Action, Claim 4 was rejected under 35 U.S.C. §102(e)<sup>1</sup> over Wagner in view of FR 2803529. The Examiner states that FR 2803529 discloses an appendage having at least one opening. FR 2803529 does not disclose a safety shield apparatus having a linear bearing as recited in Claim 1 from which Claim 4 depends. Since FR 2803529 does not cure the deficiencies of Wagner, Applicants believe that Claim 4 is also in condition for allowance.

In the Office Action, Claims 8 and 40 were rejected under 35 U.S.C. §102(e) over Wagner in view of U.S. Patent No. 5,997,504 to Bell. The Examiner cited Bell to show a planar contact surface having an anchor pad. Bell fails to cure the deficiencies of Wagner with respect to Claims 1 and 38 from which Claims 8 and 40 depend. For at least the reason discussed above with respect to Claims 1 and 38, *inter alia*, Applicants believe that Claims 8 and 40 are also in condition for allowance.

In the Office Action, Claims 11-14 and 39 were rejected over Wagner in view of U.S. Patent No. 5,879,337 to Kuracina et al. ("Kuracina"). Kuracina discloses a needle tip guard for a hypodermic needle including a needle 10, a guard assembly 22, a compressed resilient member 19 and a movable latching arm 26. Guard assembly 22 includes a tip guard 41. Member 19 urges tip guard 41 inwardly ahead of a sharpened needle tip within guard assembly 22. See FIG. 18 reproduced below.

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<sup>1</sup> It appears from the combination of references applied that this is a typographical error and that the rejection is under 35 U.S.C. §103.



Kuracina fails to disclose a linear bearing as recited in Claims 1 and 38 and thus, does not cure the deficiencies of Wagner. For at least this reason, *inter alia*, Applicants believe that Claims 11-14 which depend from Claim 1 and Claim 39 which depends from Claim 38 are in condition for allowance.

Applicants gratefully acknowledge the Examiner's indication that claims 33 and 35-37 are allowed. In view of the foregoing amendments and remarks, it is respectfully submitted that all claims pending in the application, namely Claims 1-5, 7, 8, 11-14, 33 and 35-41 are in condition for allowance. Should the Examiner feel that a telephone or personal interview may facilitate resolution of any remaining matters, he is respectfully requested to contact Applicant's attorney at the number indicated below.

Respectfully submitted,

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